

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**UNITED STATES OF AMERICA**

**VERSUS**

**CRIMINAL ACTION NO. 1:06CR129**

**KENNETH BUSBY, ET AL**

**ORDER**

This cause is before the Court on a Motion for Continuance [93] by defendant Busby. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

The trial of this matter is currently set for March 5, 2007. Counsel for defendant avers the government just filed a Third Superseding Indictment which alleges new charges against the defendant and that he has yet to be arraigned on the new charges. In addition, the defendant is still awaiting discovery materials from the government. The government has no objection to the relief requested in the instant motion. Based on the foregoing, the Court finds that the defendant's Motion for Continuance is well-taken and should be granted.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. § 3161(h)(8)(A), the period of delay from March 5, 2007 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford defendant a reasonable time for adequate and effective preparation of his defense. Therefore, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS, THEREFORE, ORDERED AND ADJUDGED that

1. Defendant Busby's Motion for Continuance [93] is GRANTED;
2. That the trial of this matter is continued as to all defendants until Monday, May 21, 2007 at 9:00 a.m. in the United States District Courthouse in Greenville, Mississippi;
3. That the delay from March 5, 2007 until May 21, 2007 is excluded as set out above;
4. That the deadline for filing pretrial motions is April 30, 2007;
5. That the deadline for submitting a plea agreement is May 7, 2007.

SO ORDERED, this the 26<sup>th</sup> day of February, 2007.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE